IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2089 OF 2005

Mr. B.R. Bajaj and Ors. ...Applicants

Versus

State of Maharashtra & Anr ...Respondents

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Mr. Rajeev Pandey, Advocate for Applicants.

Mr. S. Suvastara i/b M/s. D.H. Law & Associates for Respondent No.2.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 11TH JULY, 2005

P. C.:-

1. Heard both sides.

2. The applicants have prayed for quashing of process issued against them in Criminal Case No. 764/S of 2000 which is pending in the Court of learned Additional Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai. In the said case, process has been issued against the applicants under Section 63 of the Companies Act. The applicants had earlier preferred revision before the concerned Sessions Court challenging the order of issuance of process. However, in the meantime, the judgment in

the case of **Adalat Prasad Vs. Rooplal Jindal & Ors. reported in 2004 (4) Mh.L.J. 274,** came to be reported and in view of that judgment the applicants withdrew the said revision and preferred the present application before this Court.

3. However, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that liberty is granted to the applicants to prefer a fresh revision before the concerned Sessions Court. The said revision shall be preferred against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer a fresh revision before the concerned Sessions Court. The learned advocate for the applicants states that the necessary revision would be preferred within a period of six weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of six weeks from today. The learned advocate for the respondent i.e. original complainant states that no objection would be raised in respect of limitation in filing revision by the

applicants before the concerned Sessions Judge.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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